

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: ELIZABETH CAYMARES : CHAPTER 13
Debtor :
: :
: :
: :
: : CASE NO. 5-23-bk-02305-MJC

TRUSTEE'S OBJECTION TO STIPULATION AND AGREED ORDER
ALLOWING CATERPILLAR FINANCIAL SERVICES TO FILE A PROOF
OF CLAIM AFTER THE BAR DATE

AND NOW, this 6th day of March, 2024, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, for Middle District of Pennsylvania, by and through his attorney, Agatha R. McHale, hereby objects to the Stipulation and Agreed Order filed on March 4, 2024, for the following reasons:

1. The deadline for filing Proofs of Claims in the instant case for nongovernmental creditors was December 15, 2023.

2. The Stipulation executed by Counsel for Debtor and Caterpillar Financial Services Corporation (“CAT Financial”) says that CAT Financial learned that this case was filed in late February, 2024, and that it was not listed or properly scheduled by Debtor.

3. Bankruptcy Rule 3002(c)(6) provides that:

(6) On motion filed by a creditor before or after the expiration of the time to file a proof of claim, the court may extend the time by not more than 60 days from the date of the order granting the motion. The motion may be granted if the court finds that the notice was insufficient under the to give the creditor a reasonable time to file a proof of claim.

4. While unscheduled creditors may at times file tardy claims that are allowed because no party objects, where the trustee or another party in interest objects, a creditor that

alleges it was not listed in a manner that permitted the timely filing of a claim does not have an allowed claim unless the court finds that notice was insufficient under the circumstances and extends the claim bar date.

WHEREFORE, the Trustee respectfully prays this Honorable Court refuse leave to file an untimely claim by CAT Financial by Stipulation as requested by Debtor and CAT Financial in this case.

Respectfully submitted:

Jack N. Zaharopoulos
Standing Chapter 13 Trustee
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BY: /s/Agatha R. McHale
Attorney for Trustee